



**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director

**DATE:** September 1, 2009

**SUBJECT:** BZA Application 17954 - Request filed by Greenstein DeLorme & Luchs, P.C. for **two area variance** for the establishment of a health clinic at 1500-10 Galen Street, S.E. and 2211-15 16<sup>th</sup> Street, S.E., for the District Columbia Primary Care Association.

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#### **APPLICATION**

Application of the District of Columbia Primary Care Association for a:

**Special exception pursuant to § 2108.1 of Title 11 DCMR**, to reduce the minimum off-street parking requirement by 21.2 percent; and

**Variance to § 404.1 of Title 11 DCMR**, to reduce the rear yard from 20 feet to zero for a portion of the otherwise underground parking

for a property located on the north side of Galen Street, S.E., between 15<sup>th</sup> Street and 16<sup>th</sup> Street.

#### **SUMMARY RECOMMENDATION**

The Office of Planning recommends **APPROVAL** of the application.

#### **AREA DESCRIPTION**

<b>Square:</b>	5795	<b>Lots:</b>	801, 1, 23, 24 & 1 <sup>st</sup> closed alley <sup>1</sup>	<b>Quadrant:</b>	South East
<b>Area:</b>	32,251 SF	<b>Zone:</b>	R-5-A	<b>Historic District:</b>	N/A
<b>Alley Width:</b>	15 ft. (un-built)	<b>Existing Improvements:</b>	None		

#### **R-5 Districts: General Provisions**

*“The R-5 Districts are General Residence Districts designed to permit flexibility of design by permitting in a single district, except as provided in §§ 350 through 361, all types of urban residential development if they conform to the height, density, and area requirements established for these districts under chapter 4 of this title. The R-5 Districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive Residence Districts.” (§ 350.1)*

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<sup>1</sup> S.O. 08-7766 requested the closure of 828 SF of an un-built north/south alley noted as “1<sup>st</sup> Alley Closing” on the map on Page 2 of this report. Council has not yet considered this alley closing request.

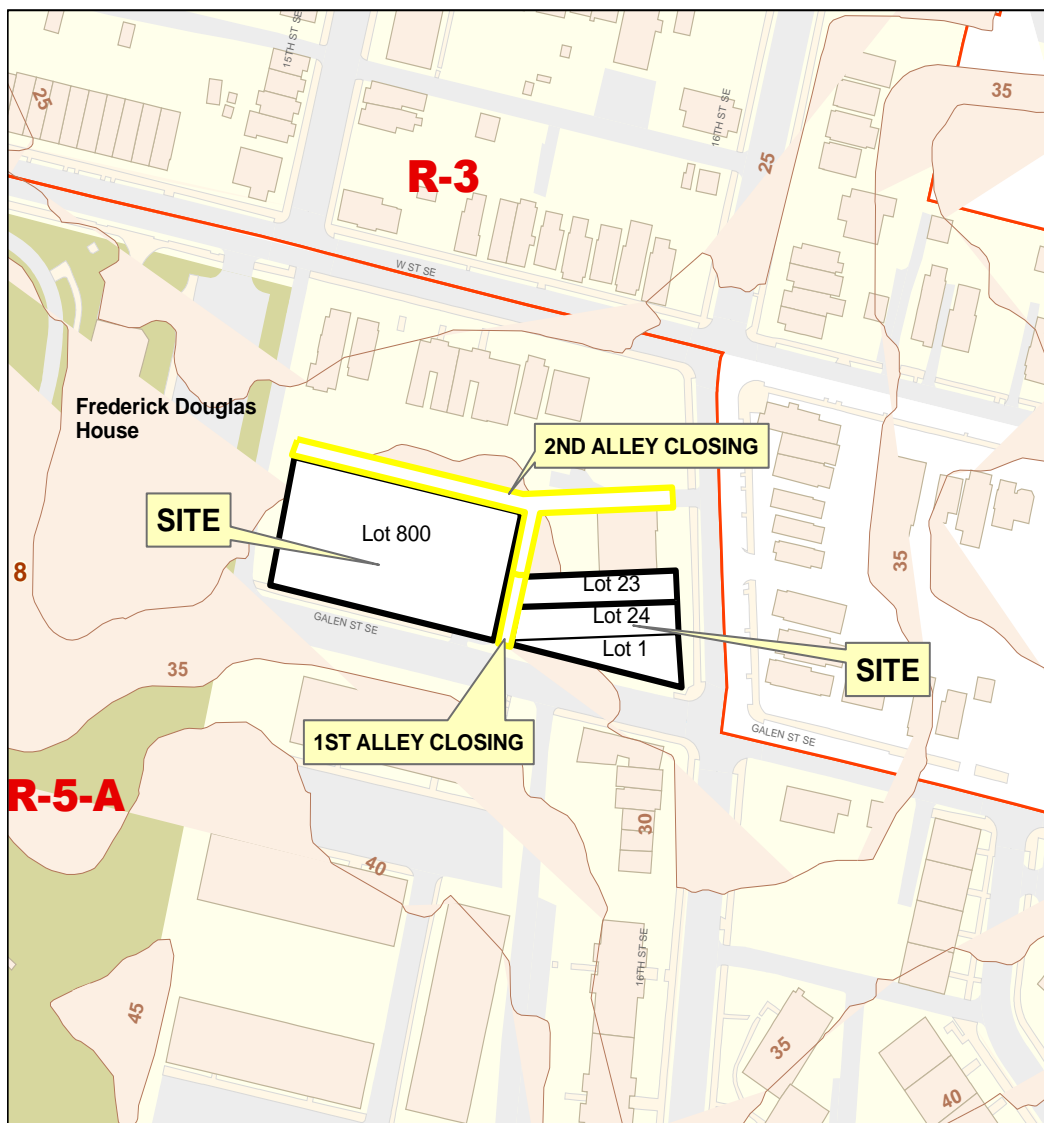


### Surrounding Properties:

- North:** Row houses and small apartment buildings.
- South:** Across Galen Street, condominium garden apartment buildings.
- East:** Across 16<sup>th</sup> Street, one and two-story single-family detached dwellings.
- West:** Across 15<sup>th</sup> Street, the Frederick Douglas historic site.

The subject property is accessible via four Metrobus routes. Sixteenth Street is served by the W6 and W8 routes, and W Street is served by the B2 and U2 routes. The Anacostia Metrorail station is located approximately two-thirds of a mile from the site.

Galen Street is a dead-end street with no buildings fronting on it, and little utilized on-street parking. Fifteenth Street is un-built south of W Street.



Zoning & Vicinity Map

## PROJECT DESCRIPTION

DC Primary Care Association proposes to construct a medical clinic to improve access to primary health care services for an underserved population within Ward 8. The clinic is currently located at 1328 W Street, S.E., approximately three blocks from the proposed location, in a one-story metal building without windows that is owned by the District.

The proposed building would be purpose-built for the provision of urgent and primary health care services. Health clinics are permitted as a matter-of-right within the R-5-A district. The proposed building would be as described in the following chart.

	<i>Permitted/Required</i>	<i>Proposed</i>
<b>Building Height</b>	40 feet/ 3-stories	40 feet/ 3-stories
<b>Lot Occupancy</b>	0.90	0.88
<b>Parking</b>	99	78 (21.2% reduction)
<b>Rear Yard</b>	20 feet	0 feet (northeast corner only)

The hours of operation would be Monday through Thursday, 8:15 a.m. to 8:00 p.m.; Friday 8:15 a.m. to 4:45 p.m.; and Saturday, 8:00 a.m. to 2:00 p.m.

A total of 78 off-street parking spaces are proposed. Seventeen of them would be located on a parking deck at the corner of 15<sup>th</sup> & Galen, directly accessible from Galen Street. This lot would be for staff members only, and would also provide for ambulance parking should one be required. Sixty-one parking spaces would be located beneath the building on one level, with access from 16<sup>th</sup> Street. Due to the steep topography of the lot, this parking level would extend out the east side of the building as a surface lot to 16<sup>th</sup> Street. The surface portion of the lot would be separated from Galen Street by a retaining wall.

All handicapped accessible spaces would be located near the 16<sup>th</sup> Street parking lot entrance, between the building and 16<sup>th</sup> Street. A circular pick-up/ drop-off area at the lower level entrance to the building is proposed.

The application proposes the establishment of a Transportation Demand Management (TDM) program that would involve the following:

- A. *Designate a member(s) of building management or a clinic employee as Property Transportation Coordinator to be a primary point of contact with responsibilities for coordinating and completing TDM obligations.*
- B. *Provide employees with the option to access flex spending accounts for transit, resulting in pre-tax salary deductions for Metro rail/bus expenses.*
- C. *Place a reference to Anacostia Metrorail station in advertisements.*
- D. *Provide website hotlinks to CommuterPage.com<sup>TM</sup> under a "transportation information" heading from the clinic and DCPCA's websites regarding this development.*
- E. *Provide bicycle parking facilities.*
- F. *Provide for taxi passenger loading and unloading at the main entrance or in the parking garage.*
- G. *Designate an accessible paratransit pickup, drop-off and passenger waiting area at the main entrance to the clinic or in the garage to be designated with appropriate signage, for use by employees and visitors. The owner should provide an accessible pathway to the area and sufficient space for loading and unloading of wheelchairs from vans.*
- H. *Provide effective directional signage (parking, deliveries, taxi stand, etc) to direct visitors and service vehicles to appropriate locations to the clinic.*

The Transportation Impact Study submitted as a part of the application, and dated August 19, 2009, concluded that the surrounding intersections would adequately accommodate traffic associated with the proposed clinic.

At the request of DDOT, the applicant has requested the closure of the remainder of the alley system within the square as DDOT has no intention of ever building the alley.<sup>2</sup> All adjacent property owners to this portion of the alley system have not signed off on the application. This alley closure, if approved, would result in land at the rear of lot (one-half the alley width) to the applicant, effectively increasing the rear yard from zero to 7.5 feet.

## ANALYSIS

### Special Exception pursuant to § 2108 – Reduction of Parking Spaces

Section 2101.1 requires 99 off-street parking spaces for the proposed clinic. Section 2108.1 empowers the Board to reduce parking by up to 25 percent, subject to the provisions of §2108.3. The application proposes to provide 79 off-street parking spaces, or a reduction of 21.2 percent.

The provisions of § 2108.3 that the Board must give consideration to are as listed below.

(a) *Nature and location of the structure;*

The proposed building, a purpose-built health clinic, would be located on Galen Street between 15<sup>th</sup> and 16<sup>th</sup> streets. The use would include urgent, family practice, dental and specialty care; a pharmacy; a medical laboratory; and administrative offices.

(b) *Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;*

The applicant anticipates that it would be able to serve 16 patients every hour, resulting in an anticipated maximum of 100 employees, patients and visitors within the building at any one time.

(c) *Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood;*

The application indicates that the majority of clients are not expected to drive themselves to the site, based on the applicant's experience at the existing location on W Street, S.E. Many clients arrive by cab, are dropped off by others, come by public transit or walk, not requiring the use of on-site parking. The Transportation Impact Study submitted by the applicant states that 12 percent of the clients would arrive at the site via a "non-auto" mode.

The Transportation Impact Study concluded that "[t]he additional vehicle trips generated by buildout of Unity Health Care clinic would have minimal impact to the adjacent roadway network," and "[a]ll of the critical turning movements at the site driveways proposed to serve Unity Health Care clinic from 16<sup>th</sup> Street and Galen Street are expected to operate at acceptable levels of service..."

The application also proposes the establishment of a TDM program. This program, outlined on Page 3 of this report, is intended to reduce the need for on-site parking as it contains provisions to

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<sup>2</sup> SO 09-9891 was filed by the applicant on June 4, 2009 to request closure of the remainder of the public alley system within Square 5795, as noted as "2<sup>nd</sup> Alley Closing" on the map on Page 2. Approval of this BZA application is not contingent on this alley closure of request.

increase awareness of public transit, provide bicycle parking facilities, initiate financial enticements to employees to use public transit and provide a location for the pick-up and drop-off of patrons that would be driven to the site by others, including those that would come by taxi.

The application does not indicate how many bicycle spaces would be provided, or their location. The Office of Planning recommends that the applicant provide a number of bicycle parking spaces equal to, at a minimum, 5 percent of the number of vehicle spaces provided, or 5 bicycle spaces. Five percent is the minimum required under § 2119.2 of the Zoning Regulations for office uses.

- (d) *Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the building or structure is in use; and*

No public or commercial parking is available within the surrounding neighborhood. However, 78 private parking spaces are proposed to be provided by the applicant on the subject property.

Many of the surrounding uses provide off-street parking. Garden apartment complexes to the south, southwest, southeast and east provide on-site parking for their tenants and guests. The Frederick Douglas historic site, located to the west, provides on-site parking for its employees and visitors. Although none of this parking is available as general public parking, its availability reduces the demand for on-street parking within the surrounding area when the clinic would be open. In addition, the block of Galen Street on which the proposed use would be located, has no other uses fronting on it.

- (e) *Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area or a ride-sharing program approved by the D.C. Department of Transportation.*

The subject property is located less than two-thirds of a mile from the Anacostia Metrorail station on the Green Line. It is also accessible via four Metrobus routes. Sixteenth Street is served by the W6 and W8 routes, and W Street, one block to the north, is served by the B2 and U2 routes.

#### **Variance to § 404.1 – Rear Yards**

Section 404.1 requires a minimum rear yard of 20 feet. The development would have a rear yard of zero for a distance of approximately 75 feet in the northwestern corner of the property, for what is otherwise one-level of underground parking. A 20-foot rear yard would be provided for the main occupied portion of the clinic.

#### Uniqueness

The subject property is unique as a result of its steep topography. The grade of the site drops by 24 feet between Galen Street and 16<sup>th</sup> Street, and by approximately 20 feet between Galen Street and 15<sup>th</sup> Street, with the high point in the center of the site.

#### Practical Difficulty

The applicant proposes to construct one level of parking beneath and extend beyond the building footprint. The front entrance to the building on Galen Street would be at grade. Below grade structures are not subject to yard requirements, including the minimum 20-foot rear yard required within the R-5-A district. The proposed parking level would be exposed above-grade for a distance of only 75 feet along the rear lot line in the northwest corner of the property as a result of the steep topography of the site, and not for the entire length of the 200-foot wide structure. It would be a practical difficulty to the applicant as a result of the topography to have to set back from the rear lot line what would otherwise be a below-grade structure.

Intent of the Zone Plan

The granting of this variance would not impair the intent and integrity of the zone plan. The extent of the required variance would be for a distance of 75 feet, not for the entire length of the parking structure, and would face an un-built alley for which the applicant has requested closure. The required rear yard would be provided for the ground and upper level floors of the building, in conformance with the provisions of the requirements of the R-5-A district. Conformance would require either removing this section of the parking level, increasing parking nonconformity, or lowering the parking level, making it less functional and more expensive and disruptive to construct.

**AGENCY COMMENTS**

The **District Department of Transportation (DDOT)** submitted no comments on the application.

**COMMUNITY COMMENTS**

The applicant informed the Office of Planning that **ANC 8A**, at its regularly scheduled meeting of August 4, 2009, voted in support of the application.

**RECOMMENDATION**

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for a variance. The Office of Planning concludes that the requested variance meets the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map," particularly if the applicant fully implements the proposed TDM program.

The Office of Planning recommends **APPROVAL** of the subject application for a:

1. **Special exception pursuant to § 2108.1 of Title 11 DCMR**, to reduce the minimum off-street parking requirement by 21.2 percent; and
2. **Variance to § 404.1 of Title 11 DCMR**, to reduce the rear yard from 20 feet to zero.

subject to the following condition:

1. The applicant implements the TDM program as described on Page 3 of this report, including the provision of a minimum of 5 bicycle parking spaces.

js/sjm<sup>AICP</sup>

Case Manager: Stephen J. Mordfin, AICP